

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 980

Introduced by Cunningham, 18; Aguilar, 35; Baker, 44; Brown, 6;
Bruning, 3; Burling, 33; Byars, 30; Cudaback, 36;
Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45;
Jensen, 20; Jones, 43; Kremer, 34; McDonald, 41; Dw.
Pedersen, 39; Price, 26; Quandahl, 31; Redfield, 12;
Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19;
Vrtiska, 1

Read first time January 10, 2002

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to employment; to amend sections 81-113,
2 81-117, and 84-1001, Reissue Revised Statutes of
3 Nebraska; to eliminate recognition of holiday
4 proclamations by the President of the United States; and
5 to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-113, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-113. Each department shall be open for the
4 transaction of business at least from 8 a.m. until 5 p.m., of each
5 day except Saturdays, Sundays, and days declared by statutory
6 enactment or proclamation of the ~~President or~~ Governor to be
7 holidays.

8 Sec. 2. Section 81-117, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-117. (1) No head of a department or employee ~~therein~~
11 of such department employed at a fixed compensation shall be paid
12 for any extra services, unless expressly authorized by law. When ~~+~~
13 ~~PROVIDED, that when~~ any employee is required to work more than
14 forty hours in any week he or she may, in the discretion of the
15 department head, be granted compensatory time off at the rate of
16 one and one-half times the hours worked in excess of forty in
17 subsequent weeks when his or her duties will permit, or be paid a
18 sum equivalent to one and one-half times his or her hourly pay or
19 his or her monthly pay prorated on an hourly basis for such
20 overtime hours.

21 (2) No state agency~~r~~ engaged in the operation of a
22 hospital or an establishment which is an institution primarily
23 engaged in the care of the sick, the aged, or the mentally ill or
24 defective who reside on the premises~~r~~ shall be deemed to have
25 violated sections 81-117 to 81-117.02 if a period of eight hours
26 per day or eighty hours per fourteen consecutive calendar days is
27 established for purposes of determining overtime compensation.
28 Regular employees working on the hourly basis shall be paid wages

1 equivalent to their regular wages for the usual number of work
2 hours for days declared by statutory act or proclamation of the
3 ~~President of the United States or the~~ Governor to be holidays.
4 Employees + ~~PROVIDED, employees~~ who have had at least one year of
5 continuous employment with the state as hourly employees shall be
6 guaranteed forty hours work each week.

7 (3) No state agency shall be deemed to have violated
8 sections 81-117 to 81-117.02 with respect to employment in fire
9 protection activities, law enforcement activities, including
10 security personnel at correctional institutions, or agricultural
11 activities, if (a) in a work period of twenty-eight consecutive
12 days the employee receives, for four tours of duty which in the
13 aggregate exceed two hundred hours, or (b) in the case of such
14 employees to whom a work period of at least seven but less than
15 twenty-eight days applies, in such work periods the employee
16 receives, for four tours of duty which in the aggregate exceed the
17 number of hours which bear the same ratio to the number of
18 consecutive days of work period as two hundred hours bears to
19 twenty-eight days, compensation at a rate not less than one and
20 one-half times the regular rate at which the employee is paid for
21 all hours in excess of subdivisions (a) and (b) of this subsection.

22 Sec. 3. Section 84-1001, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 84-1001. (1) All state officers and heads of departments
25 and their deputies, assistants, and employees, except permanent
26 part-time employees, temporary employees, and members of any board
27 or commission not required to render full-time service, shall
28 render not less than forty hours of labor each week except any week

1 in which a paid holiday may occur.

2 (2) Regular work by such employees shall not be performed
3 on paid holidays, Saturdays, or Sundays except in case of an
4 emergency or when otherwise ordered or deemed essential by the
5 Governor.

6 (3) For purposes of this section, paid holidays shall
7 include all of the days enumerated in section 25-2221 and all days
8 declared by law or proclamation of the ~~President or~~ Governor to be
9 holidays.

10 (4) All such holidays shall be paid holidays except as
11 provided in subsection (5) of this section. For purposes of this
12 section, employees shall include permanent and temporary employees.
13 A permanent employee shall mean an employee in a regular full-time
14 or part-time position who works a full-time or part-time schedule
15 on an ongoing basis, and a temporary employee shall mean an
16 employee appointed to a full-time or part-time position for a
17 limited period of time to accomplish a specific task. If any such
18 holiday falls on Sunday, the following Monday shall be a holiday.
19 If any such holiday falls on Saturday, the preceding Friday shall
20 be a holiday.

21 (5) Employees who are required to work on any holiday
22 shall be granted either a workday of compensatory time off or be
23 paid for the time worked in accordance with existing state and
24 federal statutes, except that temporary employees shall not be
25 eligible for paid holidays and if required to work on a holiday
26 shall be paid for the time worked at their normal rate of pay.
27 Permanent part-time employees shall be eligible for paid holidays
28 on a pro rata basis. In order to receive pay for such holiday an

1 employee, whether part time or full time, must not have been absent
2 without pay on the workday immediately preceding or immediately
3 following the holiday unless excused by his or her supervisor. The
4 Director of Personnel shall adopt and promulgate such rules and
5 regulations as are necessary to administer this section.

6 Sec. 4. Original sections 81-113, 81-117, and 84-1001,
7 Reissue Revised Statutes of Nebraska, are repealed.